

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1118

Introduced by Assembly Member Umberg

February 22, 2005

~~An act to add Chapter 5 (commencing with Section 10000) to Division 3.6 of the Vehicle Code, relating to vehicles. An act to add Sections 430.5 and 10000 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as amended, Umberg. ~~Motorized Nonhighway~~ vehicles: disclosure.

(1) Existing law imposes various disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, as defined.

~~This bill would require a person who sells at retail a two-wheeled motorized vehicle, commonly known as a "pocket bike," that is not stamped or affixed with a 17-digit vehicle identification number in conformance with federal regulations, and the operation of that motorized vehicle on the highways would violate safety equipment requirements, to notify the purchaser, either verbally or in writing, that it is illegal to operate that motorized vehicle on a highway because of specified reasons~~ *manufacturer of a nonhighway vehicle, as defined, to affix each nonhighway vehicle with a clearly legible sticker disclosing that the vehicle is prohibited from being operated on the public highways. The bill would also prohibit the sale, furnishing, or otherwise supplying of a nonhighway vehicle that does not contain that disclosure.*

Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 5 (commencing with Section 10000) is~~
2 ~~added to Division 3.6 of the Vehicle Code, to read:~~

3 ~~SECTION 1. Section 430.5 is added to the Vehicle Code, to~~
4 ~~read:~~

5 ~~430.5. (a) A “nonhighway vehicle” is a vehicle that is not~~
6 ~~manufactured or designed for highway use. A nonhighway~~
7 ~~vehicle includes, but is not limited to, a vehicle commonly known~~
8 ~~as a “pocket bike.”~~

9 ~~(b) A vehicle is designed for highway use if it meets all~~
10 ~~Federal Motor Vehicle Safety Standards contained in Part 571 of~~
11 ~~Title 49 of the Code of Federal Regulations, and is in compliance~~
12 ~~with subdivision (b) of Section 24002.~~

13 ~~SEC. 2. Section 10000 is added to the Vehicle Code, to read:~~

14 ~~10000. (a) A manufacturer of a nonhighway vehicle shall~~
15 ~~affix each nonhighway vehicle with a clearly legible sticker~~
16 ~~disclosing that the vehicle is prohibited from being operated on~~
17 ~~the public highways.~~

18 ~~(b) A manufacturer, retailer, or individual may not sell,~~
19 ~~furnish, or otherwise supply a nonhighway vehicle if it does not~~
20 ~~contain a clearly legible sticker disclosing that the nonhighway~~
21 ~~vehicle is prohibited from being operated on the public~~
22 ~~highways.~~

23 ~~CHAPTER 5. DISCLOSURE REQUIREMENTS~~

24
25 ~~10000. (a) A person who sells at retail a two-wheeled~~
26 ~~motorized vehicle, commonly known as a “pocket bike,” that is~~
27 ~~not stamped or affixed with a 17-digit vehicle identification~~
28 ~~number in conformance with Title 49 of the Code of Federal~~
29 ~~Regulations, and the operation of that motorized vehicle on a~~

1 ~~highway would violate subdivision (b) of Section 24002, shall~~
2 ~~notify the purchaser, either verbally or in writing, that it is illegal~~
3 ~~to operate that motorized vehicle on a highway because of the~~
4 ~~following:~~

5 ~~(1) The motorized vehicle does not have the required safety~~
6 ~~equipment for operation on a highway.~~

7 ~~(2) The Department of Motor Vehicles will not register the~~
8 ~~motorized vehicle.~~

9 ~~(b) The definitions in this code of a motorcycle, a~~
10 ~~motor-driven cycle, a motorized bicycle, and a motorized scooter~~
11 ~~do not apply to a two-wheeled motorized vehicle, commonly~~
12 ~~known as a “pocket bike,” that is subject to this section.~~

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the~~
18 ~~penalty for a crime or infraction, within the meaning of Section~~
19 ~~17556 of the Government Code, or changes the definition of a~~
20 ~~crime within the meaning of Section 6 of Article XIII B of the~~
21 ~~California Constitution.~~